

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6124 of 2020**

1. Ramchandra Kushwaha S/o Chhotan Kushwaha Aged About 53 Years R/o Village Harigawan, Police Station Raghunathnagar, District Balrampur Ramanujganj Chhattisgarh
2. Harihar Singh S/o Ramlal Aged About 41 Years R/o Village Madanpur, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Raghunathnagar, District Balrampur Ramanujganj Chhattisgarh

---- Respondent**MCRC No. 6786 of 2020**

- Bhalmati W/o Lalchand Aged About 40 Years R/o Village Madanpur, Police Chowki Wadrufnagar, Police Station Raghunathnagar, District Balrampur, Ramanujganj, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station, Raghunathnagar, District Balrampur- Ramanujganj, Chhattisgarh

---- Respondent

For Respective Applicants : Shri Arun Kumar Shukla and Shri A.K. Yadav, Advocates

For Respondent/State : Ms. Sunita Jain, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****10/12/2020**

1. Heard.

2. Since both these bail applications are arising out of the same crime number, therefore, they are being heard and decided together by this common order.
3. These are the First Bail Applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 25.07.2020 & 30.07.2020 in connection with Crime No.62/2020 registered at Police Station Raghunathnagar, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 409, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860.
4. As per the prosecution case, 422 toilets were sanctioned to be constructed in the year 2017-18. After sometime when the inspection was made only 70 toilets were found complete and rest were not completed.
5. Shri A.K. Yadav, learned counsel for the applicants in M.Cr.C. No.6124 of 2020 would submit that no direct allegation is attributed against the applicants and they have not been named in the FIR. Therefore, the applicants may be enlarged on bail.
6. Shri Arun Kumar Shukla, learned counsel for the applicant in M.Cr.C. No.6786 of 2020 would submit that she being the Sarpanch and nothing is on record against the Sarpanch Bhalmati and the entire money has been taken by Ramchandra Kushwaha which would be evident from the bank account, therefore, the entire money has been siphoned by Ramchandra Kushwaha. Therefore the applicant may be enlarged on bail.
7. Per contra, learned State counsel opposes the prayer for grant of bail.
8. Perused the documents. Considering the nature of allegations against Harihar

Singh and Bhalmati and the evidence available against them and the fact that the charge-sheet has been filed, I am inclined to allow the bail application of Harihar Singh (applicant No.2 in M.Cr.C. No.6124 of 2020) & Bhalmati (applicant in M.Cr.C. No.6786 of 2020). In respect of Ramchandra Kushwaha (applicant No.1 in M.Cr.C. No.6124 of 2020) since the entire allegation is attributed against him, at this stage, as it has been stated that the evidence has not yet begun, I am not inclined to allow the bail application of Ramchandra Kushwaha.

9. Accordingly, the bail application in respect of Ramchandra Kushwaha (applicant No.1 in M.Cr.C. No.6124 of 2020) is rejected and the bail applications in respect of **Harihar Singh** (applicant No.2 in M.Cr.C. No.6124 of 2020) and **Bhalmati** (applicant in M.Cr.C. No.6786 of 2020) are allowed and **Harihar Singh & Bhalmati** are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu